

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Kansas City District

FILE NUMBER: 200600333

REGULATORY PROJECT MANAGER: Matthew J. Mikulecky
PROJECT REVIEW/DETERMINATION COMPLETED:

Date: 12-Dec-2004
In the office Y (Y/N) **Date:** 12-Dec-05
At the project site N (Y/N) **Date:**

PROJECT LOCATION INFORMATION:

State: Kansas
County: Rice County
Center coordinates of site by latitude & longitudinal coordinates: Lat: 38-11-29 Lon: 98-21-22
Approximate size of site/property (including uplands & in acres): 140+ acres.
Name of waterway or watershed: HUC 11030009-Rattlesnake

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

The 1.185 acre pre-construction wetland was a depressional area located in an upland region with no hydrologic connection to waters of the United States.

The wetland site is located approximately 1.5 miles from the Arkansas River and 1.3 miles from a tributary of Salt Creek and is not located within the floodplain of these or any other waters of the United States. In addition, the small size of the pre-construction wetland did not appear to have any interstate commerce value.

Due to the lack of a hydrologic connection to any waters of the United States, it was determined that the wetland was isolated and non-jurisdictional under the Clean Water Act.